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R 301525Z MAY 07
FM AMEMBASSY ANKARA
TO RUEHC/SECSTATE WASHDC 2318
INFO RUEHSW/AMEMBASSY BERN 0371
RUEHBS/AMEMBASSY BRUSSELS 5937
RUEHCP/AMEMBASSY COPENHAGEN 0249
RUEHLO/AMEMBASSY LONDON 3157
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JUSTICE FOR CRM/BSWARTZ/CALEXANDER
TREASURY FOR OTI - JSERAFINI

E.O. 12958: DECL: 05/30/2012

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SUBJECT: UN COUNTERTERRORISM COMMITTEE REINFORCES U.S.
MESSAGE

REF: ANKARA 463

Classified By: Economic Counselor Tom Goldberger for reasons
1.4(b) and (d).

11. (C) Summary: A group of experts from the UN counter-terrorism committee's Counter-Terrorism Committee Executive Directorate (CTED) visited Turkey May 11-21 to consult on Turkey's counter-terrorism regime, write a report, and identify training needs and other follow-up. The UN group honed in on many of the same issues the U.S. has been pushing: weaknesses in the asset-freezing regime, the low number of suspicious transaction reports, and a narrow definition of terrorism. The Turkish authorities repeatedly protested European lack of cooperation on PKK extradition requests. The experts said they would follow up to look for pragmatic ways to improve cooperation, including through local prosecution of PKKers in western Europe. End Summary.

Weak Terrorism Finance Regime

12. (C) The UN experts visit was the sixteenth of a series of visits to review UN members' counter-terrorism regimes. In briefings and side meetings with third country diplomats, the UN experts provided an overview of the issues they are focusing on, which turned out to be almost the same list of issues the U.S. has identified. In general, the experts felt Turkey was not out of line with other countries in terms of its legal counter-terrorism framework and the expertise of its officials. Areas of weakness existed, however.

13. (C) The UN experts shared U.S. concerns about the weakness of Turkey's asset-freezing regime under UNSCR 1267. Experts from the 1267 committee were part of the delegation. These experts had concerns about the Yasin al-Qadi case, in which a lower court ruled that the Council of Ministers' freeze of al-Qadi's assets based on a UN resolution and a Council of Ministers decree lacked sufficient legal basis.

¶4. (C) Although the CTED group did not want to duplicate the work of Turkey's recent Financial Action Task Force mutual review, the UN experts pointed to the very low number of suspicious transaction reports (STRs) in relation to the size of Turkey's economy and financial sector. The number of STRs relating to terrorism (as opposed to money-laundering) was particularly low -- only 23 so far in 2007. For the overall STR numbers, the UN experts noted a sharp increase in 2006 and the first months of 2007, albeit from a very low base.

¶5. (C) The CTED officials said that Turkey's anti-money-laundering agency, MASAK, needed to conduct more training of bankers and other responsible parties under the recent "MASAK law" which strengthened the overall AML/CTF regime and with substantial new responsibilities placed on a newly-broadened list of responsible parties (real estate companies, jewellers, insurers, notaries, etc.) The UN officials told us privately that regulators said that terrorism finance issues were a low priority for bank inspectors (who call in MASAK on terrorism finance issues).

Finger-pointing over PKK

¶6. (C) In all of their meetings with Turkish officials, the UN experts said the Turks complained bitterly about the lack of cooperation from western European countries on terrorism extradition cases and in curbing PKK propaganda

and fundraising originating in their countries. In a briefing with other diplomats, the Ankara-based representative of the German police countered that the Turkish extradition files often did not meet the standards required by German courts. When we noted our work to try to improve cooperation between western European law enforcement and prosecutors and their Turkish counterparts, we urged the CTED group to not only look at the extradition problem. Given independent European courts' reluctance to extradite to Turkey it may be more productive to find ways to get European law enforcement to prosecute PKK terrorists in Europe under local law.

¶7. (C) When we pushed the idea of local prosecution, the UN experts agreed, saying the International Convention Against Terrorism calls for local prosecution if extradition is not possible. In a later, private meeting the UN staff undertook to follow up on the whole problem of weak cooperation between Europeans and Turks in order to try to identify the problems and find solutions. The UN officials said they had asked to see examples of Turkish extradition files. In the meeting with bilateral missions, the UK political officer said Britain had worked out a system with Turkey whereby the Turks first show the British a draft extradition request prior to sending the official request.

Definition of Terrorism

¶8. (C) In general, CTED found Turkey's legal framework against terrorism to be acceptable but said there was room for progress in incorporating international offenses into domestic law and argued that the transposition of international conventions was flawed. Echoing U.S. criticism, CTED said the biggest problem is the definition of terrorism, which is narrowly defined as attacks against Turkish citizens or the Turkish state. Privately, the UN officials dismissed the Turkish argument that the narrow definition is justified by the inability of the international community to agree on a common definition. In addition to being too narrow in its scope, the UN officials found Turkey's definition too broad, both in its characterization of many different conducts as terrorism and in its application, in particular in the Southeast, where they claimed that inordinate numbers of people are charged under terrorism statutes.

Too Much Military, Not Enough Law Enforcement

¶9. (C) The UN officials had not seen evidence of coordination problems between the Turkish National Police and the Gendarmerie (Jandarma). They lamented, however, the absence of a centralized, specialized organizational structure to combat terrorism, saying too much counter-terrorism work was handled by local police officers. More broadly, the UN group said Turkey seemed to be heavily reliant on a military approach to fighting terrorism, as opposed to a judicial and law enforcement-oriented approach more in keeping with the thrust of UN Security Council resolutions and international conventions.

Technical Assistance

¶10. (SBU) The UN group inventoried bilateral

counter-terrorism technical assistance. The CTED officials were of the opinion that Turkey could benefit from training for judges and prosecutors in international terrorism instruments and thought that training on extradition issues)

particularly for Turkish judges and prosecutors --might help with the PKK problem. They urged that training be carefully targeted and coordinated among offering countries, as there had been evidence of undertraining in some areas and overtraining in others.

Comment

¶11. (C) The fact that the CTED experts identified a list of issues that tracks with our own should help reinforce our message of the need to strengthen Turkey's terrorism finance regime and broaden the definition of terrorism. Embassy Ankara, the Department and USUN will need to stay in touch with CTED to ensure follow-up and maximize the utility of their mission.

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